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8 **UNITED STATES DISTRICT COURT**  
9 **DISTRICT OF NEVADA**

10 JUAN VIANEZ, )  
11 )  
12 Plaintiff, ) 2:13-cv-01634-APG-PAL  
13 vs. )  
14 McCARRAN INT'L AIRPORT, *et al.*, ) **ORDER**  
15 Defendants. )  
\_\_\_\_\_ /

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17 This action is a *pro se* civil rights complaint filed pursuant to 42 U.S.C. § 1983 by a prisoner.  
18 Neither a filing fee nor an application to proceed *in forma pauperis* was submitted with the  
19 complaint. Plaintiff must either submit the filing fee or submit an application to proceed *in forma*  
20 *pauperis* when initiating an action in this Court. Additionally, plaintiff did not use the court-  
21 approved form for filing his complaint, pursuant to Local Rules of Special Proceedings, LSR 1-1.

22 It does not appear from the papers presented that a dismissal without prejudice would result  
23 in a promptly-filed new complaint being untimely. In this regard, plaintiff at all times remains  
24 responsible for calculating the running of the limitations period as applied to this matter and  
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properly commencing a timely-filed civil rights action.<sup>1</sup> As such, this action is dismissed without prejudice, as specified below.

**IT IS THEREFORE ORDERED** that this action is **DISMISSED WITHOUT PREJUDICE** to the filing of a new complaint in a new action, with a proper *in forma pauperis* application in compliance with 28 U.S.C. § 1915(a).

**IT FURTHER IS ORDERED** that the Clerk of the Court **SHALL SEND** plaintiff two copies of an *in forma pauperis* application form for a prisoner, one copy of the instructions for same, two copies of a blank 42 U.S.C. § 1983 prisoner civil rights form, and one copy of instructions for the same. The Clerk of Court **SHALL SEND** plaintiff a copy of the complaint (ECF No. 1) submitted in this action.

**IT IS FURTHER ORDERED** that plaintiff may file a new complaint and *in forma pauperis* application in a new action, but he may not file further documents in this action.

**IT IS FURTHER ORDERED** that the Clerk of the Court **SHALL ENTER JUDGMENT** accordingly.

**IT IS FURTHER ORDERED** that this Court **CERTIFIES** that any *in forma pauperis* appeal from this order would **not** be taken in good faith pursuant to 28 U.S.C. § 1915(a)(3).

Dated this 16th day of September, 2013.



UNITED STATES DISTRICT JUDGE

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<sup>1</sup> Section 1983 does not contain a specific statute of limitations. *Wilson v. Garcia*, 471 U.S. 261, 266 (1985); *Vaughan v. Grijalva*, 927 F.2d 476, 478 (9th Cir. 1991). The Supreme Court has determined the appropriate statute of limitations for all § 1983 claims, regardless of the facts or legal theory of the particular case, is the forum state's statute of limitations for personal injury actions. *Perez v. Seevers*, 869 F.2d 425, 426 (9th Cir.) (per curiam), *cert. denied*, 493 U.S. 860 (1989). The statute of limitations in Nevada for personal injuries is two years. *See Nev. Rev. Stat. § 11.190(4)(e)*.